IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 732 of 2005

Roopal Corporation & Anr. .. Appellants

versus

Shri Kumarchandra G.. Mehta .. Respondents

...

Mr.M.P. Wamorkar i/b M/s.Maravoor Wamorkar & Co. for the appellant.

None for the respondents.

CORAM : B.H. MARLLAPALLE,J

DATED : 30th August 2005.

P.C.:

1. Heard the learned counsel for the appellant - original defendant nos.1 and 2.

2. The impugned order dismissing the Notice of Motion no.293 of 2003 came to be passed on 7th October 2003 and there is no case made out to consider the prayers in the said Notice of Motion at this stage.

3. If it is permissible for the appellants to ..... additional TDR, it is for the Bombay Municipal Corporation to consider the same issue and therefore, the appellants will have to approach the said Corporation. The impugned order will not come in the way of the appellants to apply to the Corporation which in turn will have to consider the same issue as per the prevailing rules.

4. Appeal is disposed of in terms of the above clarification.

B.H. MARLAPALLE, J